

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 6362 of 2004

Between:

Community Development Society for Weaker Section, Rep. by its Secretary M.
Narsaiah @ Narsimhulu, S/o. Tippanna, aged 35 years, Sriramnagar,
Dommaranandyala Village,
Mylavaram Mandal, Cuddapah District. **PETITIONER**

AND

1. Deputy Director, Rashtriya Mahila Kosh, Having its Office at 1, Abdul Fazal Road, Bengali Market, New Delhi - 110 001.
2. The Joint Secretary (NGO), Ministry of Social Justice and Empowerment, Govt. of India, Shastriya Bhavan, 6th Floor, New Delhi.
3. The District Collector, Cuddapah, Cuddapah District.
4. The Government of Andhra Pradesh, Rep. by its Secretary, Social Welfare Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing proceedings unilaterally vide reference No. RMK/BLACKLIST/2001/15339 to 15653, dt. 5-11-2001, which has been communicated to the petitioner society by black listing the petitioner society as illegal, arbitrary and consequently direct the 1st respondent to collect the principle amount, which has been disbursed from the petitioner society by taking into consideration the reasons put forth by the petitioner society and remove the name of the petitioner society from Black list of NGOs and restore status quo prior to 5-11-2001.

Counsel for the Petitioner: MR. PAMULETY VADDI

Counsel for Respondents 1 & 2: MR.M.RATNA REDDY, ADDL. STANDING COUNSEL FOR CENTRAL GOVERNMENT.

Counsel for Respondents 3 & 4: GOVERNMENT PLEADER FOR SOCIAL

WELFARE.

The Court, at the admission stage, made the following :

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ORDER:

The petitioner is a non-governmental organization. The allegation against the petitioner is that it was allotted an amount of Rs.one lakh by the first respondent on 7-12-1999 as a loan to disburse the same to Self Help Groups (Women Groups) as per the sanction order of the first respondent dated 3-9-1998. It is alleged that the petitioner distributed the amount to Self Help Groups and failed to recover the said amount to repay it to the first respondent despite several consultations and reminders. Therefore, the petitioner-organization was kept in the black list of Non-Government Organisations through the order dated 5-11-2001. The petitioner, being aggrieved by the said order of the first respondent, approached this Court seeking to set aside the said order as illegal and arbitrary.

2. The learned Counsel for the petitioner represented that the petitioner-organisation repaid the amount to the first respondent, which is to a tune of Rs.1,30,000/- on 16-6-2004 and produced one copy of the letter said to be given by the first respondent. Therefore, he requested to direct the first respondent to remove the name of the petitioner from the black list of N.G.Os.

3. The learned Counsel for respondents submitted that the payment said to be made by the petitioner is yet to be confirmed.

4. In the light of the above circumstances, the first respondent is directed to consider whether the name of the petitioner-organisation can be removed from the black list of N.G.Os, if the representation of the petitioner that the loan amount was repaid on 16-6-2004 is correct and pass appropriate orders and communicate the same to the petitioner within 2 (TWO) months. This order will not preclude the first respondent to take criminal action, if any, maintainable against the petitioner. The writ petition is accordingly disposed of at the admission stage.

(Dr. G.YETHIRAJULU, J)

Dated: 23rd July, 2004.

Note:

Issue C.C. in three days.

B/o.

SVS/AK*

To

- 1.The Deputy Director, Rashtriya Mahila Kosh, 1, Abdul Fazal Road, Bengali Market, New Delhi – 110 001.
- 2.The Joint Secretary (NGO), Ministry of Social Justice and Empowerment, Govt. of India, Shastriya Bhagan, 6th Floor, New Delhi.
- 3.The District Collector, Cuddapah, Cuddapah District.
- 4.The Government of Andhra Pradesh, Rep. by its Secretary, Social Welfare Department, Secretariat, Hyderabad.
- 5.Two CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad (O.U.T).
- 6.Two CD copies.